

# THE BAUMHOLDER BUGLE



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## THINGS YOU SHOULD KNOW ABOUT CONTRACTS IN GERMANY

by: Holger Blug

The first contract you will sign here in Germany is probably a phone service contract including internet access or a cell phone contract. Since Germany has a huge variety of phone companies and different tariffs, there are some basic things you should be aware of.

### Signing up for a phone contract

**Most phone companies offer contracts with a minimum duration of 12 or 24 months, which will automatically be renewed for another 12 months, if they are not terminated three months prior to the expiration date.**

Since these contracts basically do not have a "deployment" or "PCS" clause, there will be serious issues if you need to cancel early. In Germany, there is no legal right for service members to be released early. Even though companies might let you out of the contract prior to the expiration date, they want you to pay the remaining monthly fees and sometimes an additional compensation fee. If they promise not to do so, get it in writing.

You need to read and understand

the terms and conditions of the contract before signing it. Get help if you don't understand, especially when everything is in German. If you know that you won't be in the country for another 12 or 24 months, ask for different options as month-to-month contracts, prepaid phones, etc.

### Your phone bill

You will receive a monthly bill, which should be reviewed immediately. If you don't feel comfortable with the bill, you need to file your dispute in writing without delay. Make sure to have proof that the company did receive your dispute.

If you do not receive a bill, you need to contact the company in writing, since you cannot expect to get free service. If an undisputed bill remains unpaid, the company has the right to turn off the service and cancel the contract. But this will not prevent

you from paying the remaining monthly fees.

### Terminating the contract

A cancellation notice has to be in writing. The burden of proof that the cancellation was received by the phone company is on you. So make sure to get a confirmation receipt.

Check your contract for the termination requirements. Understand that most contracts have a minimum duration and automatic extension, so that the options for cancellation are very limited. Since there are no "deployment" or "PCS" clauses, most companies will make you pay for an early release.

### Important to know

If you talk to someone in person, make notes including date, time and name. Do everything in writing and make copies for yourself. Keep all documents and receipts.

For further information or help, contact the Baumholder Legal Assistance Office at DSN 485-6506 or CIV 06783-6-6506.



## A TOWED VEHICLE CAN BE VERY EXPENSIVE!

by: Holger Blug

Your vehicle was left in the street without license tags. Or it was parked in a no-parking area. Or it was just involved in an accident. All these scenarios might involve a towing of your vehicle. And if you do not immediately attend to that situation, it can get very expensive for you. A bill for towing in the amount of 140.00 EUR can quickly turn into a bill of more than 1000.00 EUR, because towing companies charging storage fees for every day the vehicle is sitting in their yard. There had been several cases in

which our clients haven't been able to pick up their vehicles



right away. When they contacted the towing company after several months they were faced with outrageous fees. So you should better try to avoid this by con-

tacting the towing company immediately after the towing and pick up the vehicle the next days. If you experience any problems, you can contact your local Legal Assistance office.

We are located in Smith Barracks, Building 8222, 2nd floor, room 202, DSN: 485-6506, Cell: 06783-6-6506, Within Baumholder City limits CIV: 6-6506, outside Baumholder City limits, within Germany CIV: 06783-6-6506. Hours Mo-Fr 0900-1600 lunch from 1230-1300, closed German Holidays.

## SPECIAL POINTS OF INTEREST:

- Legal Assistance
- 485-6506
- Claims Office
- 485-6507
- International Law
- 485-6286
- Trial Defense Service
- 485-6483
- Administrative Affairs
- 485-6311

WE'RE ON THE WEB!

WWW.BAUMHOLDER.ARMY.MIL/  
/SITES/LOCAL/LEGAL2.ASP

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### VICTIM WITNESS LIAISON JOINS THE BAUMHOLDER LEGAL TEAM

After completion of the National Center for Victims of Crime, National Conference in Washington DC, June 2011, **Mr. Andreas "Andy" Harvey** will assume duties of Victim Witness Liaison Officer at the Baumholder Legal Center. A short description of some of his responsibilities are; to be available to answer any questions or concerns that you might have regarding the criminal matter in which you are a potential victim/witness.

As a victim, and/or witness, you are entitled to certain rights which are listed in DD Form 2701 (Initial Information for Victims and Witness of Crime). Explains additional information that may be helpful to understand the military legal process. Informs you how the Military Justice System works and what might be expected of you. He will also provide you with useful phone numbers.

He is there to ensure that your rights as a potential victim/witness

are protected. Should you encounter a situation that you are not sure of what to do or where to go, please feel free to contact Mr. Harvey, he can be reached at 06783-68677, DSN 485-8677, or email at:



andreas.harvey@eur.army.mil



### "DEFENDING THOSE WHO DEFEND AMERICA"

Trial Defense Service (TDS) represents Soldiers involving criminal matters. Soldiers facing punishment under Article 15, UCMJ, separation, or Courts-Martial must report to the TDS office on Wednesdays and Fridays only and be signed in before 0915 hours for a briefing. Soldiers facing possible UCMJ or who are under investigation may seek assistance from the TDS office during any duty day (Closed Thursdays) before 1600 hours. All TDS hours are subject to change without notice. The Baumholder TDS office number is DSN: 485-6483 CIV: 06783-66483

### BAUMHOLDER'S LEGAL OFFICE TELEPHONE NUMBERS

|                       |          |
|-----------------------|----------|
| Legal Assistance      | 485-6506 |
| Tax Center            | 485-1040 |
| International Law     | 485-6286 |
| Claims                | 485-6507 |
| Trial Defense Service | 485-6483 |

## Facts about U.S. Citizenship, German Citizenship, and Dual Nationality

by: Rachael Brower

Having a child born overseas presents many questions, one is: where will the child be a citizen? The paragraphs below will outline this information and give new parents the resources to seek out further answers.

Being born a citizen of a country happens in one of two ways:

- Through descent of their parents
- or
- Through their place of birth

**For children born overseas U.S. citizenship through the descent of their parents must be qualified by the following:**

**Parents married to each other when both are U.S. citizens:** when at least one is serving in the U.S. Military, or is an employee of the U. S. Government (INA Sec 301 c & g).

**Parents married to each other when only one is a U.S. citizen and one is an alien:** provided the U.S. citizen parent is genetically related to the child and the physical presence test\* is met (INA Sec 301 g).

**Father is a U.S. citizen and is not married:** The Father must have established physical presence\* have a proven blood relationship, acknowledge paternity under oath, and agree in writing to provide support for the child until age 18 (INA Sec 309 a).

**Mother is a U.S. citizen and is not married:** The mother must have been physically present\* in the U.S. or one of its outlying possessions for a continuous period of one year prior to the child's birth. The mother must also be genetically related to the child in order to transmit citizenship (INA Sec 309 c).

*\*Please note that for the physical presence test: Military Service Members and Government Employees are considered present for these instances when stationed abroad. Unmarried dependent children of Service Members or Government Employees are considered physically present in the U.S. when they are living with their sponsor parent in an overseas location.*

**For children born overseas, German citizenship through their place of birth requires one of the following:**

**A German Parent**

**Non-German parents:** when at least one parent has lived legally in Germany for at least eight years prior to the birth, and has a permanent residence permit for at least the 3 years prior to the birth. (Note: the child will have to choose between nationalities before age 23).

**Children born overseas qualify for Dual Nationality when:**

**A child is born to a U.S. parent and a German parent:** will receive both citizenships at birth; in this instance, the child may keep both citizenships their entire life.

**A child is born to two U.S. parents:** has to qualify under the requirements stated above for non-German parents. Additionally, the child will have to choose between nationalities prior to age 23.

See Section 301 and 309 of the Immigration and Nationality Act (INA) for more information pertaining to this subject. Additional website references: [http://germany.usembassy.gov/acs7dual\\_nationality](http://germany.usembassy.gov/acs7dual_nationality) and [http://travel.state.gov/law/citizenship\\_5199.html](http://travel.state.gov/law/citizenship_5199.html)

## ARMY ANTI-HARASSMENT POLICY FOR THE WORKPLACE

As Army leaders, it is our duty to provide and maintain an environment of trust and respect for human dignity. Workplace harassment, including sexual harassment, has a place in the Army. We are committed to an environment of mutual respect, dignity and fair treatment.

Workplace harassment based on race, religion, color, sex, national origin, age, disability, genetic information, reprisal or other impermissible basis, is not acceptable in either the military or civilian ranks.

Harassment includes, but is not limited to, any offensive conduct such as slurs, jokes or other verbal, nonverbal or physical conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, offensive or hostile environment. Even if a single utterance, joke or act does not rise to the level of actionable harassment under the law, such conduct is contrary to Army values. Leaders at all levels must guard against harassment and should proactively ensure that the

work environment is free from all forms of harassment.

Sexual harassment is a form of sex discrimination. Sexual harassment is defined in chapter 7 of Army Regulation 600-20, *Army command Policy*. Sexual harassment includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either explicitly or implicitly a term or condition of a person's job, pay or career; or (b) submission to or rejection of such conduct by a person is used as a basis for career or employment decisions affecting that person;

or (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.



Any Soldier or civilian who encounters workplace harassment should report the incident through appropriate channels. Every leader must ensure that every reported incident is investigated immediately and thoroughly, with corrective action taken as appropriate.

We expect all leaders to support the Army's continuing commitment to a positive workplace environment that protects and preserves human dignity.

John M. McHugh  
Secretary of the Army

BAUMHOLDER LEGAL ASSISTANCE OFFICE

### Mission

The Baumholder Legal Assistance Office provides accurate and timely legal assistance services to Soldiers, Family members, DoD Civilians, and Retirees, covering a wide range of legal topics.

### Appointments:

Legal assistance appointments are made up to two weeks in advance by either coming into the legal assistance office or calling DSN 485-6506, comm. 06783-55606 during business hours.

Legal counseling is provided on an appointment-only basis only. Common matters that we can help with include: Family Law, Wills, OER/NCOER Appeals, FLIPLS, Landlord Tenant, and Consumer Law (including phone bills).

The following are services we cannot provide pursuant to AR 27-3: Military Justice matters (UCMJ), private business transactions, litigation against the United States, and employment matters (except enforcement of USERRA).

Other services may be provided as resources allow.

### Wills:

A Will Worksheet MUST be completed prior to your appointment time to expedite the processing of your Last Will and Testament. Will appointments can include:

Advanced Medical Directive

Health care powers of attorney

Advanced Medical Directives, also known as living wills, allow you to make advance decisions about life support. Health care powers of attorney allow you to name a person to make medical decisions for you if you become unable to make decisions for yourself.

### Powers of Attorney and Notarial Services:

Powers of Attorney and Notarial services are offered on a walk-in basis at any time during office hours. General powers of attorney and special powers of attorney are available. Not every document presented can be notarized. Determinations are made based on the Army notary regulation.

Hours of Operation: Monday-Friday 0900 to 1600 Closed each day 1230-1300 for Lunch  
Phone Numbers: DSN 485-6506  
Comm. 06783-66506 Location: Baumholder Legal Center Building 8222, Second Floor

## RENTING A HOUSE OR AN APARTMENT IN GERMANY

By: *Holger Blug*

Soldiers and Civilians renting on the German economy have to deal with their German landlords. It is basically the Housing Office which provides help regarding any Landlord/tenant issues. But there are some general things the tenant should be aware of in order to avoid further problems:

Lease contract: Since in the majority of the cases a standard form contract is used, the tenant needs to make sure that any modification which was discussed with the landlord will be added to the written contract.

Defects: If the tenant finds out about a defect, he needs to contact the landlord immediately and ask him to fix it. Anyway, if the land-

lord is not responsive, the tenant should send a written notice and give him a deadline to fix the defect.

Utilities: Most contracts include a monthly advance payment for utilities. That means that the landlord has to reconcile the utilities at the end of a twelve month period and provide an annual bill to the tenant. If the tenant feels that the annual bill is not correct, he should object to the landlord.

Termination by the tenant: According to the German Civil code a three month notice is required. If the landlord has received the written notice within the first three working days of a month, the contract terminates at the end of the month after next month. Soldiers should make sure that their contract includes a shorter notice, which allows them to be

released within a month due to military reasons.

Move-out: When moving out, it is recommended to get a written move-out-report which should be signed by the landlord and the tenant. Also, it is recommended to bring a witness and take pictures.

Security Deposit: The deposit is to secure any potential claim the landlord might have, especially for additional utility payments or compensation for damages. After move-out the landlord has to provide a reconciliation of the security deposit including the interest.

If you have any problems or questions with your lease do not hesitate to contact your local Legal Assistance office.

## REPORTING FOREIGN BANK AND FINANCIAL ACCOUNTS

By *Rachael Brower*

Do you own foreign bank accounts, or have a stake in any other type of financial account that is foreign sourced? Was the aggregate value of all your foreign accounts over \$10,000 at any point in the year?

If so, you should be filing the Form TD F 90-22.1: Report of Foreign Bank and Financial Accounts to the IRS. Penalties for failing to report

these financial holdings can be anywhere from \$10,000 to \$100,000. Information necessary to file this form includes: your personal information, account information for each account including: financial organization's name, address, the account number, and the maximum value of the account from that calendar year. The TD F 90-22.1 form should be mailed separately from the 1040 tax forms. However, the taxpayer will

have to file a Schedule B with their 1040 tax forms. This annual form is "on-time" if it is processed before June 30; the postmark has no bearing on its timeliness. The following address should be used: Department of the Treasury Post Office Box 32621 Detroit, MI 48232-0621 Visit the Internal Revenue Service website [www.irs.gov](http://www.irs.gov) for more information, tax forms and instructions.